

REMARKS

Applicant has carefully reviewed and considered the Final Office Action mailed on February 9, 2005, and the references cited therewith.

No claims are amended, claims 6-8, and 11-12 are canceled, and no claims are added; as a result, claims 1-5, 9, 10, and 13-26 are now pending in this application.

§102 Rejection of the Claims

Claims 1-4, 9, 10, 13, 16, 18, 19, 21, 22, 23, and 25 were rejected under 35 USC §102(e) as being anticipated by Comiskey, et al. (U.S. Patent No. 6,473,072). Applicant does not admit that the Comiskey, et al. reference is prior art and reserves the right to swear behind the same at a later date.

With respect to independent claims 1 and 10, the Examiner asserted that the Comiskey, et al. reference describes all the elements and limitations of independent claims 1 and 10. Specifically, the Examiner cited col. 14, lines 47-53 and col. 16, lines 48-68 of the Comiskey, et al. reference as describing a user interface device for enabling the electronic paper display to present a user with a plurality of reference images grouped for display on the electronic paper display device to assist the user in drawing on the writing surface over a selected one of the plurality of reference images.

The Comiskey, et al. reference appears to teach a display that allows a user to download and display an image or an interactive series of images directly to the display. (See col. 16, lines 60-64 of the Comiskey, et al. reference). In contrast, Applicant's independent claim 1 recites, besides other things:

a user interface device for enabling the electronic paper display to present a user with a plurality of reference images grouped for display on the electronic paper display device to assist the user in drawing on the writing surface over a selected one of the plurality of reference images.

And, Applicant's independent claim 10, recites, besides other things:

displaying on the electronic paper display device a plurality of reference images; and

enabling a user to select a predefined image from the plurality of reference images for display on the electronic paper display device, where the predefined image assists the user in drawing on the writing surface over the predefined image displayed by the electronic paper display.

The Examiner stated that “considering that the interactive series of images are being grouped for display on a drawing screen, it is clear that when the user selects one of said interactive images, this image is a reference image that assist the user in drawing upon it.” The Applicant was unable to locate, anywhere in the Comiskey, et al. reference, a description that when the user selects one of said interactive images, this image is a reference image that assists the user in drawing upon it.

The Applicant asserts that the Comiskey, et al. reference does not teach a user interface device for enabling the electronic paper display to present a user with a plurality of reference images grouped for display on the electronic paper display device to assist the user in drawing on the writing surface over a selected one of the plurality of reference images.

As the Examiner is aware, “a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *See* MPEP 2131.

The Comiskey, et al. reference does not expressly nor inherently teach a user interface device for enabling the electronic paper display to present a user with a plurality of reference images grouped for display on the electronic paper display device to assist the user in drawing on the writing surface over a selected one of the plurality of reference images, as recited by Applicant’s independent claim 1.

Nor does the Comiskey, et al. reference expressly or inherently teach displaying on the electronic paper display device a plurality of reference images; and enabling a user to select a predefined image from the plurality of reference images for display on the electronic paper display device, where the predefined image assists the user in drawing on the writing surface over the predefined image displayed by the electronic paper display, as recited by Applicant’s independent claim 10.

As such, Applicant submits that each and every limitation of Applicant's independent claims 1 and 10 are not shown in the Comiskey, et al. reference.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the §102 rejection of Applicant's independent claims 1 and 10, as well as those claims which depend therefrom.

§103 Rejection of the Claims

Claims 20 and 24 were rejected under 35 USC §103(a) as being unpatentable over Comiskey, et al. (U.S. Patent No. 6,473,072). Claims 5, 14, and 15 were rejected under 35 USC §103(a) as being unpatentable over Comiskey, et al. (U.S. Patent No. 6,473,072) in view of Chery (U.S. Patent No. 6,177,927). Claims 17 and 26 were rejected under 35 USC §103(a) as being unpatentable over Comiskey, et al. (U.S. Patent No. 6,473,072) in view of Applicant's admitted prior art.

Claims 5 and 20 are dependent upon claim 1 and, claims 14, 15, 17, 24, and 26 are dependent upon claim 10. Accordingly, since these claims depend from allowable independent claims 1 and 10 respectively, Applicant asserts that the claims are deemed allowable. As such, Applicant respectfully requests reconsideration and withdrawal of the §103 rejection for claims 5, 14, 15, 17, 20, 24, and 26.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney, Gregg W. Wisdom, at (360) 212-8052.

At any time during the pendency of this application, please charge any additional fees or credit overpayment to the Deposit Account No. 08-2025.

CERTIFICATE UNDER 37 CFR §1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS AF Commissioner for Patents, P.O. BOX 1450 Alexandria, VA 22313-1450, on this 7th day of April, 2005.

Sarah L. Reinhard
Name

Sarah L. Reinhard
Signature

Respectfully Submitted,
Chad Stevens, et al.

By their Representatives,

BROOKS & CAMERON, PLLC
1221 Nicollet Avenue, Suite 500
Minneapolis, MN 55403

By: Jeffery L. Cameron
Jeffery L. Cameron
Reg. No. 43,527

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